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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
WEN BING LEI,
Defendant.

No. 15-cr-71548-SK

**STIPULATION AND [Proposed] ORDER TO
CONTINUE HEARING AND TO EXCLUDE
TIME**

Date: February 17, 2016
Time: 9:30 a.m.
Court: Hon. Maria-Elena James

This matter is set for a preliminary hearing or return of an indictment before this Court on February 17, 2016. The parties request that this matter be continued to March 30, 2016 at 9:30 a.m. for further setting. Pursuant to Fed. R. Crim. P. 5.1(d), the defendant consents to extending the time limits set forth in Fed. R. Crim. P. 5.1(c) to exclude from the 14-day limit the time from the earlier hearing (i.e., February 1, 2016) to the newly proposed hearing date (i.e., March 30, 2016) to accommodate this request, and defense counsel is continuing to review discovery, to conduct investigation, and to otherwise prepare the defense. As a result, the parties request that the Court exclude time between February 17, 2016 and March 30, 2016 for effective preparation of defense counsel, taking into account the exercise of due diligence, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). The extension is not sought for delay, and the parties agree the ends of justice served by granting the continuance

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1 outweigh the best interests of the public and the defendant in a speedy trial.

2 Dated: February 8, 2016

Brian J. Stretch
Acting United States Attorney

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/S/
William Frentzen
Assistant United States Attorney

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5 Dated: February 8, 2016

/S/
Mark R. Vermeulen
Attorney for Defendant
WEN BING LEI

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ORDER

10 IT IS HEREBY ORDERED that this matter is continued to March 30, 2016 at 9:30 a.m. for
11 further setting.

12 IT IS FURTHER ORDERED that pursuant to Fed. R. Crim. P. 5.1(d), the 14-day limit set forth
13 in Fed. R. Crim. P. 5.1(c) shall be extended, such that the 14-day limit shall run from March 30, 2016.

14 IT IS FURTHER ORDERED that time between February 17, 2016 and March 30, 2016 is
15 excluded pursuant to the Speedy Trial Act for effective preparation of defense counsel, taking into
16 account the exercise of due diligence, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). Based
17 upon the parties' stipulation, the Court finds that the extension is not sought for delay, and the ends of
18 justice served by granting the continuance outweigh the best interests of the public and the defendant in
19 a speedy trial.

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IT IS SO ORDERED.

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Dated: February 9, 2016


MARIA-ELENA JAMES
United States Magistrate Judge

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